



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,223	12/03/2003	Peter J. Dronzek JR.	181-035.2	5170

64088 7590 03/30/2007
GORMAN LAW OFFICES
ROBERT S.M. GORMAN, ESQ.
305 MADISON AVE.
SUITE 449
NEW YORK, NY 10165

EXAMINER

AHMAD, NASSER

ART UNIT	PAPER NUMBER
----------	--------------

1772

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

c

Office Action Summary	Application No.	Applicant(s)	
	10/727,223	DRONZEK, PETER J.	
	Examiner	Art Unit	
	Nasser Ahmad	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/22/2007 has been entered.

Rejections Withdrawn

2. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Pedginski (5807632) made in the Office Action of 5/02/2006 and maintained in the Office Action of 10/17/2006 has been withdrawn in view of the amendment filed on 12/4/2006.

3. Claims 17- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrou (5628858) in view of Tindall (4886680) made in the Office Action of 5/02/2006 and maintained in the Office Action of 10/17/2006 has been withdrawn in view of the amendment filed on 12/4/2006.

Response to Arguments

4. Applicant's arguments with respect to claims 17-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 17-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 17 and 23, the phrase "solid fluoropolymer" is deemed to be new matter because support for said phrase could be located in the originally filed specification. Applicant is also requested to direct the examiner to the section which provides support for said phrase.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by Pedginski (5807632).

Art Unit: 1772

Pedginski relates to a durable self-adhesive laminate (figure-2) comprising a solid fluoropolymer film (10) having a label-receiving side (10) and an adhesive side (30).

The film is solid because it is in a solid state. The label-receiving side consists of controlled-release surface without making use of a coated release substance because fluoropolymer film is well known to exhibit release characteristics.

The optional component have not been given any weight because it is interpreted to be optional.

The intended use phrases such as "for use as a support", "adapted to", "whereby the support is suitable for", etc. have not been given any patentable weight because said phrases are not found to be of positive limitations.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 17- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrou (5628858) in view of Tindall (4886680).

Petrou relates to a method of labeling or relabelling an object comprising the steps of providing a laminated support structure (20) with adhesive (26) on one side covered with a release liner (18), removing the liner from the adhesive, substantially permanently adhering the support to the object, and placing a pressure sensitive adhesive (PSA)

Art Unit: 1772

coated label (14) on the label-receiving side of the support. Further, the label can be removed while leaving the support structure adhered to the object (col. 2, lines 54-55) and replaced with another label having different indicia because the content of the object container changes. However, Petrou fails to teach that the support structure is a fluoropolymer film without a release coating thereon. Tindall discloses a base material having adhesive on one side and a release surface on the other side because of the base material being polytetrafluoroethylene (PTFE) that has inherent release characteristic (col. 1, lines 40-49) or the base material has to have a release coating thereon (col. 2, lines 38-39). Thus, Tindall shows that a base material of fluoropolymer without a release coating thereon or a base material with a release coating thereon are equivalent structures that are known in the art. Therefore, because these two base materials without release coating or base material with release coating were art-recognized equivalents at the time the invention was made, one having ordinary skill in the art would have been obvious to substitute the fluoropolymer (e.g. PTFE) base material without release coating thereon for the base material with release coating in the invention of Petrou.

Response to Arguments

11. Applicant's arguments filed 12/4/2007 have been fully considered but they are not persuasive.

Applicant argues that *Pedginski* does not detail usage of a solid fluoropolymer film, much less the usage of a solid fluoropolymer film layer in the overall structure detailed

Art Unit: 1772

in the invention as claimed. This is not deemed to be convincing because Pedginski's fluoropolymer film is a layer that is solid in structure as it is located in the multilayer article as claimed. It is also noted that the phrase "solid fluoropolymer" is found to be new matter because **solid** is not supported by the specification, as originally filed.

For the argument that the rejection of Tindall with Petrou under 35 USC 103(a) should be withdrawn, said rejection has been withdrawn and a new rejection has been made using the same references as explained hereinabove.

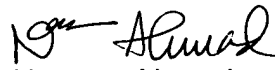
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nasser Ahmad 3/27/07
Primary Examiner
Art Unit 1772

N. Ahmad.
March 27, 2007.